

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

AMARY

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

Unknown 10/518121

INTERNATIONAL APPLICATION NO.  
PCT/EP03/06316

INTERNATIONAL FILING DATE  
16 June 2003

PRIORITY DATE CLAIMED  
17 June 2002

**TITLE OF INVENTION**

ACHROMATIC SPECTROSCOPE ELLIPSOMETER WITH HIGH SPATIAL RESOLUTION

**APPLICANT(S) FOR DO/EO/US**

Pascal AMARY, Ramdane BENFERHAT, Francis BOS, Denis CATTELAN

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:  
Express Mail Label No.  
EV477960875US

U.S. APPLICATION NO. (if known) (37 CFR 1.51) Unknown <b>10/518121</b>		INTERNATIONAL APPLICATION NO. PCT/EP03/06316		ATTORNEY'S DOCKET NUMBER AMARY	
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... <b>\$1080.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$920.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$770.00</b>  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$730.00</b>  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b>  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>	<b>CALCULATIONS PTO USE ONLY</b>																										
	\$ 920.00																										
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$ 130.00																										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> <th style="width:20%;">\$</th> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>x \$18.00</td> <td>\$</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>x \$86.00</td> <td>\$</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$290.00</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$ 1,050.00</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total claims	- 20 =		x \$18.00	\$	Independent claims	- 3 =		x \$86.00	\$	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$	<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,050.00		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																							
Total claims	- 20 =		x \$18.00	\$																							
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MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$																							
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,050.00																							
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	\$																										
<b>SUBTOTAL =</b>	\$																										
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$																										
<b>TOTAL NATIONAL FEE =</b>	\$ 1,050.00																										
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +	\$																										
<b>TOTAL FEES ENCLOSED =</b>	\$ 1,050.00																										
	Amount to be refunded:	\$																									
	charged:	\$																									

a. ☒ A check in the amount of \$ 1,050.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
 overpayment to Deposit Account No. 080570. A duplicate copy of this sheet is enclosed.

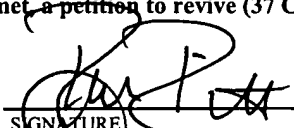
d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
 information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)  
 or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number  
00545

  
 SIGNATURE  
Anthony H. Handal/Roger Pitt  
 NAME  
 26,275/46,996  
 REGISTRATION NUMBER

**Kirkpatrick & Lockhart LLP**

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New York, NY 10022-6030  
212.536.3900  
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December 15, 2004

MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Pascal AMARY et al.  
New U.S. Patent Application Filed: Herewith  
National phase of International Application No. PCT/EP03/06316  
Dated: June 16, 2003  
Claiming Priority of European Patent No. 02291510.2 Filed June 17, 2002  
"ACHROMATIC SPECTROSCOPIC ELLIPSOMETER WITH HIGH  
SPATIAL RESOLUTION" Attorney Docket No. AMARY

SIR:

We enclose herewith:

- [X] Transmittal Letter concerning a filing under 35 U.S.C. 371 w/ Fee Calculation Sheet;
- [X] Copy of International PCT Publication No. WO 03/106979 with International Search Report;
- [X] Declaration (unexecuted);
- [X] Preliminary Amendment;
- [X] Copy of International Preliminary Examination Report;
- [X] Information Disclosure Statement;
- [X] Copies of Four (4) References Cited;
- [X] Check for \$1,050.00 (See Fee Calculation Sheet);
- [X] Acknowledgment Postcard.

CORRESPONDENCE INDICATION: Please recognize the following address as the correspondence address: Customer Number 00545.

The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 080570. Applicant hereby petitions under 37 CFR 1.136 or other applicable rule to have the response period extended the number of months necessary to render the attached communication timely if a petition is required.

Respectfully submitted,



Anthony H. Handal

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Roger Pitt

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EXPRESS MAIL LABEL NO.  
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